IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No.7432 of 2006

Gurudatta Dnyanpeeth Morve .. Petitioners

v/s.

The State of Maharashtra & ors. .. .. Respondents

Mr.F.A. Mulla for petitioners.

Mr.U.P.Warunjikar for respondent no.4.

CORAM : SMT.RANJANA DESAI &

SMT.ROSHAN DALVI, JJ.

Dated : 22nd November 2007

P.C. :

1. The petitioners have, inter alia, prayed that a writ of mandamus be issued directing respondent no.1 to quash and set aside the name of respondent no.4-school shown at sr.no.31 for release of 40% grant under Government Resolution dated 27.10.2005.

2. Affidavit is filed by Rajkumar N. Chavan, Deputy Education Officer (Secondary), Zilla Parishad, Satara. In the said affidavit, Shri Chavan has stated that evaluation of the

school was done for making the applicability of the grant-in-aid on 18.1.2005 as per the Government Resolution dated 3.1.2005 by the Education Officer (Secondary), Zilla Parishad Satara, District Satara. Copy of Government Resolution dated 31.1.2005 is annexed to the affidavit. We have no reason to disbelieve this statement.

3. Learned counsel for the petitioners states that the petitioners have made a representation to the State Government on 9th June 2006, which is not being considered. If any such representation is made and it is not considered by the State Government, the State Government may consider it in accordance with law and communicate result of the same to the petitioners.

4. We make it clear, however, that this order may not be understood to mean that we have asked the State Government to consider the representation of the petitioners favourably. The representation has to be considered independently and in accordance with law.

5. We record the statement made by Mr.Warunjikar, learned

counsel for respondent no.4, that the petitioners have been running the school without recognition. This is disputed by the learned counsel for the petitioners. We do not want to express any opinion on this.

6. Petition is disposed of in the aforesaid terms.

(SMT.RANJANA DESAI, J.)

(SMT.ROSHAN DALVI, J.)